

## Message Text

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73

ACTION EB-11

INFO OCT-01 CIAE-00 COME-00 DODE-00 INR-10 NSAE-00 RSC-01

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FM USMSIIION OECD PARIS

TO SECSTATE WASHDC 9259

C O N F I D E N T I A L OECD PARIS 9380

EXCON

E. O. 11652 XGDS-1

TAGS: ESTC, COCOM, US, FR

SUBJ: REVISED GENERAL EXCEPTIONS PROCEDURE

REF: OGSWL FVIVUPVIV#

1. DURING COMMITTEE'S CONSIDERATION ON APR 3 OF DRAFT RECORD OF FINAL DISCUSSION ON MAR 27 ( TO BE PUBLISHED AS DOC PROC (73) 11), FRENCH DEL FORMALLY PROPOSED THAT THERE BE INCLUDED IN NEW PROCEDURE OR GUIDELINES A STATEMENT TO EFFECT THAT PC'S SHOULD KEEP URGENCY CASES TO A MINIMUM WHEN COMMITTEE IS IN RECESS. THIS PROPOSAL GREW OUT OF AN EARLIER ONE ( MADE BY HIM ON MAR 27) THAT URGENCY PROCEDURE NOT BE INVOKED AT ALL WHEN COMMITTEE IS IN RECESS. ON THAT OCCASION, AFTER USDEL POINTED OUT THAT SUCH A PROVISION WOULD EFFECTIVELY RULE OUT URGENCY SUBMISSIONS FREQUENTLY MADE AT END DEC WHEN SOVBLOC IMPORTERS WERE FACING EXPIRY OF BUDGETARY ALLOCATIONS, VARNOUX MODIFIED HIS PROPOSAL TO CONFINE IT TO SUMMER RECESS, WHEN MOST FRENCH OFFICIALS WERE ON VACATION AND TECHNICAL EXPERTS WOULD BE HARD TO REACH. UKDEL THEN ARGUED THAT THIS TOO WOULD BE IMPRACTICAL, SINCE SOME URGENCY CASES UNAVOIDABLY ARISE DURING COMMITTEE'S SUMMER RECESS. JAPANESE DEL SUPPORTED HIM IN THIS VIEW. FACED WITH LACK OF SUPPORT FOR HIS IDEA, VARNOUX WITHDREW IT AND ASKED THAT IT BE EXPUNGED FROM

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RECORD. AS SOP TO HIM, CHAIRMAN HIMSELF SUGGESTED THAT DELS URGE THEIR GOVTS TO LIMIT RESORT TO URGENCY PROCEDURE DURING RECESSES, AND THIS WAS RECORDED IN DRAFT RECORD.

2. ON APR 3, HOWEVER, VARNOUX STATED THAT HE WOULD RENOUNCE HIS MAR 27 PROPOSAL ONLY ON CODITION THAT SOMEWHERE THERE BE A PROVISION THAT RESORT TO URGENCY PROCEDURE BE KEPT TO MINIMUM DURING COMMITTEE RECESSES. IT COULD BE EITHER IN PROCEDURE OR IN GUIDELINES. CHAIRMAN POINTED OUT OBVIOUS FACT THAT PROCEDURALLY VARNOUX WAS OUT OF ORDER SINCE NEW PROCEDURE HAD BEEN FORMALLY AGREED ON AND WAS IN EFFECT, AND THAT RECORD OF DISCUSSION ITSELF, PARAS 29-32 OF PROC(73) 11, WOULD REFLECT DELEGATES' UNDERTAKING TO URGE THEIR AUTHORITIES TO INVOKE URGENCY PROCEDURE AS LITTLE AS POSSIBLE DURING THOSE PERIODS. VARNOUX THEN RETREATED A SHORT DISTANCE AND SAID HE WAS NOT CONDITIONING FRENCH AGREEMENT TO PROCEDURES AS A WHOLE ON ACCEPTANCE OF HIS AMENDMENT, BUT WAS ONLY EXPRESSING A DESIRE FOR GREATER CLARITY FOR THE SAKE OF THOSE WHO, UNFAMILIAR WITH COMMITTEE' S RULES, MIGHT BE TEMPORARILY IN CHARGE OF COCOM MATTERS WHEN OTHERS WERE ON LEAVE. CHAIRMAN AGREED TO

PUBLISH ANOTHER DRAFT DOCUMENT, INCLUDING FRENCH PROPOSAL IN PARENTHESES IN PARA 7 OF GUIDELINES, TO BE DISCUSSED ON APR 17. UKDEL SAID HE THOUGHT HIS AUTHORITIES WOULD HAVE NO TROUBLE WITH FRENCH PROPOSAL AND OFFERED LANGUAGE INCORPORATING

IT, AS FOLLOWS: " URGENCY REQUESTS SHOULD BE KEPT TO A STRICT MINIMUM, PARTICULARLY WHEN THE COMMITTEE IS IN RECESS. IN THE LATTER CASE, THE DATE ON WHICH VIEWS ARE REQUESTED SHOULD BE KEPT AS CLOSE AS POSSIBLE TO THE NORMAL 18 DAYS' LIMIT AS IS CONSISTENT WITH THE REASON FOR THE USE OF THE URGENCY PROCEDURE."

3. USDEL COMMENT: VARNOUX' S AMENDMENT, IF ADOPTED, WILL DO NO MORE THAN APPEASE HALLOWED FRENCH TRADITION OF " LES VACANCES," AND WILL HAVE LITTLE SIGNIFICANCE IN PRACTICE. WE REALIZE IT MAY NOT BE VERY WELCOME IN WASHINGTON AFTER ALL THE LABOR ALREADY INVESTED IN ACHIEVING REVISED PERMANENT PROCEDURE. NEVERTHELESS, WE HOPE WASHINGTON COULD LIVE WITH IT. QUIBBLING WITH WORDS WILL DO US LITTLE GOOD AT THIS POINT. WE RECOMMEND, THEREFORE, THAT WE BE AUTHORIZED TO STRESS WE DISLIKE PROPOSAL, BELIEVE IT UNNECESSARY, BUT WILL FOLLOW THE MAJORITY VIEW.  
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REQUEST INSTRUCTIONS.  
BROWN

NOTE BY OC/ T: # AS RECEIVED, WILL BE SERVICED UPON REQUEST.

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\*\*\* Current Handling Restrictions \*\*\* n/a

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**Disposition Date:** 28 MAY 2004  
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